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A. Yes. May 2003 until May 2006.

Q. Did you work at any other garage for the company from May of 2003 until May of 2006?

A. They would send me sometimes to cover a day off of another employee at 145 and Saint Nicholas Avenue. Just to cover a day off of somebody or something like that.

Q. From May of 2003 until May of 2006, did you ever visit the Dominican Republic?

A. In May 2005, I went on vacation for one month.

Q. Between May of 2003 and May of 2006, did you go on any other vacations other than the one in May of 2005?

A. After 2005, no.

Q. Prior to 2005, did you go on any vacations while you were employed by the company?

A. No, sir.

Q. During the vacation that you took in May of 2005, did you receive any pay for time not worked by the company?

A. No, sir.

Q. During your employment with the company, did you ever take any sick days?

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A. No, sir.

Q. Did you ever receive any sick pay?

A. No, sir.

Q. At the time that you began employment with the company in May of 2003, what were your hours of work?

A. Seven p.m. to seven a.m.

Q. Did you punch a time clock?

A. Yes, punched the clock.

Q. Did you punch the time clock when you started work?

A. Yes, sir.

Q. Did you punch the time clock when you ended work?

A. Yes, sir.

Q. Did you ever have anyone else punch your time card?

A. No, sir.

Q. Were you paid for all of the hours that were recorded on your time card?

A. They pay me the minimum. And overtime was paid but not completely.

Q. In what respect was the overtime not paid?

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A. I worked 12 hours. They paid the 40 hours at the minimum. And the others they did not pay completely.

Q. I want to understand, Mr. Rojas. The company paid you for the first 40 hours at the minimum wage; is that correct?

A. Yes, sir.

Q. And you were paid for all 40 of those hours; is that correct?

A. Forty hours they paid at the minimum.

Q. And for hours after 40 hours in a work week, what were you paid?

A. They pay a little something at time and a half, but they wouldn't pay completely.

Q. When you say they would pay a little something at time and a half, how many hours would they pay time and a half?

A. It could have been 10 or 15, depending. More or less.

Q. Did you receive any pay for hours that were not paid at time and a half after 40?

A. Can you rephrase that?

Q. For the hours that you worked after 40 that you did not receive time and a half, were you

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paid any pay at all?

A. No, sir.

Q. Did you ever ask anyone at the company why they were not paying you?

A. I would go to the supervisor and ask him to pay us for the five hours of lunch. And he would simply say get out of here.

Q. Are you saying that you were not paid -- that the only hours you were not paid for were the five hours of lunch?

A. The lunch hour, the five-hours lunch, and the hour that was supposed to be paid by law after one works 10 hours.

Q. Other than the five hours of lunch and the one hour pay for working over 10 hours, are you claiming that you were not paid for any other time?

A. I am alleging they didn't pay the five hours lunch and the hour after the 10 hours. What are you saying? Repeat it to me, please.

Q. Other than the five hours of lunch, and the one hour pay after 10 hours, are you saying that you were paid for all other hours?

A. They would pay me, but not completely.

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Q. I am trying to understand what hours they did not pay for. So far I understand your testimony is you were not paid for five hours of lunch per week. And I understand that you say you were not paid for the one hour for working after 10. Is there anything else besides those that you were not paid for?

A. No, sir.

Q. Are you paid by a paycheck from a company?

A. Check. Yes, sir.

Q. Have you been paid by a paycheck since 2003 when you started work?

A. Yes, sir.

Q. Does the stub attached to the paycheck have certain information about the hours you worked?

A. Yes, sir.

Q. And did it have information about your hourly rate of pay?

A. Yes, the minimum. That's what they pay.

Q. Did it have information on there about the hours you were paid at an overtime rate?

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A. Yes.

Q. Did you also receive any payments in cash from the company?

A. No, sir.

Q. Did you ever read the complaint in this case?

A. No, sir.

Q. The complaint in the action in paragraph 11 states the following. It says, quote, In addition to his weekly wages paid by check, plaintiff Rojas was given approximately \$20 to \$70 a week in cash.

THE INTERPRETER: Would you repeat it again. He didn't understand.

Q. I'm going to read to you a sentence that's in the complaint.

A. Yes, sir.

Q. Then I'm going to ask you whether that is correct or incorrect. "In addition to his weekly wages paid by check, plaintiff Rojas was given approximately \$20 to \$70 a week in cash."

A. No. 15 to \$20 a week in cash.

Q. When I asked you before, you said you didn't receive any cash?

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A. Well, you didn't refer to -- I thought you meant if the cash was together with the check.

Q. Who gave you the cash?

A. The supervisor could take the envelope and leave it in the office. And then we would receive our check. The envelope.

Q. How often did you receive cash?

A. Weekly.

Q. Did anyone tell you what this cash was for?

A. No, sir.

Q. Did you ever ask anyone what this cash was for?

A. Never.

Q. Did anyone ever tell you this was pay for your lunch hour?

A. No, sir.

Q. Did there ever come a time when the company began to pay you for your lunch hour?

A. No, sir.

Q. Did you report the cash you received from the company on your tax returns?

A. No, sir.

Q. When you worked at the garage, was your

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job to park cars?

A. Receive them, check them in, park them. Turn them -- give them back to the people. Cleaning. Everything.

Q. Did you ever receive tips from customers?

A. Sometimes they gave something. Something.

Q. Did you ever give those tips to your supervisor?

A. No, sir.

Q. Did you ever tell your supervisor how much you received in tips?

A. No, sir.

Q. Did your supervisor ever ask you to give him those tips?

A. No, sir.

Q. Did you ever share any tips you received with any other employees at the garage?

A. Yes, sir.

Q. Who do you remember giving tips to?

A. I worked with Miguel Alcantara, a man by the name of Jose. I forget the other names.

Q. Approximately how much did you receive

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2 **in tips on a weekly basis?**

3 A. 8 or \$10 a day.

4 **Q. How much of these tips that you**
5 **received did you share with other employees?**

6 A. If three guys worked, it was 8 to \$10.
7 If there were two guys, it may have been 10 to 12
8 or so.

9 **Q. How often were there three guys working**
10 **at the garage when you were there?**

11 A. When we started, there was two or
12 three. Starting at seven o'clock at night.
13 Another guy would come in around eleven or twelve.
14 And we stay all together through. The ones that
15 came in at seven would leave at seven in the
16 morning.

17 **Q. During the period that you worked at**
18 **the garage from May 2003 to May 2006, were you**
19 **ever alone at the garage?**

20 A. No, sir.

21 **Q. Is it fair to say there were either two**
22 **or three employees there?**

23 A. Yes, sir.

24 **Q. During the period of May 2003 to May**
25 **2006, did you ever take any sick days?**

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2 MR. FAILLACE: Objection. He
3 answered it already.

4 MR. WALKER: I asked whether he
5 received any pay at the time.

6 A. No, sir.

7 **Q. Did you take any time off for any other**
8 **reasons such as to go to a doctor?**

9 A. No, sir.

10 (Rojas Exhibit 1, Payroll
11 document, marked for identification, as
12 of this date.)

13 **Q. I'm showing you what has been marked as**
14 **Rojas Exhibit 1 for identification.**

15 **Is that your signature on this**
16 **document?**

17 A. Yes, sir.

18 **Q. Do you know when you signed this?**

19 A. I don't remember the date.

20 **Q. Do you know who gave you this document?**

21 A. The supervisor.

22 **Q. What was the supervisor's name?**

23 A. His name was Raj, but I didn't know
24 what it said.

25 **Q. Is this document in both Spanish and**

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2 **English?**

3 A. I didn't read it. He just gave it to
4 me and I signed it and I gave it back.

5 **Q. I'm asking you the question. As you**
6 **look at this document, is it in both Spanish and**
7 **English?**

8 A. Yes, sir.

9 **Q. Can you read Spanish?**

10 A. I don't have my glasses with me. I
11 don't see too well.

12 **Q. If you did have your glasses with you,**
13 **could you read Spanish?**

14 A. I can read Spanish, yes.

15 **Q. When Raj gave you this document, what**
16 **did he say to you?**

17 A. He gave it to me. Told me to sign the
18 document. I was working so I just signed it and
19 gave it back. He said sign here. That's it.

20 **Q. Are you in the habit of signing**
21 **documents you don't read?**

22 A. No, sir. I have only worked at one
23 company.

24 **Q. Do you understand this document says**
25 **you're supposed to take a one-hour lunch break?**

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2 A. No, sir. We didn't get it. They never
3 gave it to us.

4 **Q. But you signed it though?**

5 A. Yes, I did.

6 **Q. And your testimony is you didn't read**
7 **it before you signed it?**

8 A. No, I didn't.

9 **Q. Did Raj or anyone at the company tell**
10 **you you are entitled to take a one-hour lunch**
11 **break?**

12 A. No, sir.

13 **Q. Did you ever take any meal breaks while**
14 **you were working at the garage?**

15 A. No, sir.

16 **Q. You never took even five minutes to**
17 **have a meal break?**

18 A. No, sir. I wouldn't go out.

19 **Q. Is it your testimony that you never**
20 **bought lunch at any restaurant or bodega outside**
21 **the garage?**

22 A. No, sir. I would not leave there.

23 **Q. Did you ever fall asleep while you were**
24 **working at the garage?**

25 A. No, sir.

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Q. Did you ever work under any other name for the company?

A. No, sir.

Q. During the period of time that you were at the garage from May 2003 to May 2006, what was the busiest time of day?

A. It was always busy.

Q. Was the garage open 24 hours a day?

A. Yes, sir.

Q. There was no time of day during those 24 hours when the garage was busier than any other time of day?

A. It was always busy. If it was -- if it wasn't with the tickets, the dailies, it was with the monthlies.

Q. Is it your testimony that you were too busy to take any kind of a lunch break?

A. Yes, sir.

Q. Is it your testimony that the garage was so busy that there was no time for any of the three employees who were working there to take a break?

A. Yes, sir. There was three levels. Basement, ground floor, and one up above.

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Q. Do you know what the capacity of the garage was? In other words, do you know how many cars would park in the garage?

A. I don't know what the maximum is.

Q. Do you know how many cars you had to either park or give back to customers on an average hour?

A. In one night in one hour, 15 or 20 cars could come in. To give tickets to. There was a church nearby.

Q. Did you ever leave the garage while you were working to cash your paycheck?

A. No, sir.

Q. Did you ever leave the garage while you were working to buy any food?

MR. FAILLACE: Objection. He already answered it.

Q. Did you ever leave the garage to perform any personal errands?

MR. FAILLACE: Objection. Already answered.

A. No, sir.

Q. Did you look at any documents before this deposition today regarding this case?

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A. No, sir.

Q. Did you talk to anyone about this deposition other than your lawyer?

A. No, sir.

Q. When did Mr. Faillace first become your lawyer?

A. I'm not sure. But may have been three months or so. I'm not sure.

Q. Did anyone introduce you to Mr. Faillace?

A. No, sir.

Q. How did you meet Mr. Faillace?

A. At the garage while I was working. People have spoken his name.

Q. Do you know what people spoke his name?

A. No, sir.

Q. Did you call Mr. Faillace?

A. Yes, sir.

Q. How did you get Mr. Faillace's number?

A. I heard something about them at the parking lot. His number was on the wall. When they would put numbers on the wall over there at the garage.

Q. Do you know who put the number on the

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wall?

A. No, sir.

Q. Did anyone other than Mr. Faillace tell you to join this lawsuit?

A. No, sir.

Q. Do you know an individual by the name of Samuel Gerraro?

A. I have heard the name.

Q. Have you ever spoken to Mr. Gerraro?

A. No, sir.

Q. How did you hear his name?

A. You know, there's always co-workers that have other friends in other garages. And they talk amongst each other.

Q. What did you hear about Mr. Gerraro?

A. Same thing. I don't know if he sued or anything like that. But just words. People talking.

Q. Did you hear anyone talking about Mr. Gerraro suing the company?

A. Gerraro?

Q. Samuel Gerraro.

A. I heard the name only as Samuel. I never had a friendship or any relationship with

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